



ETHICALLY SPEAKING

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A Message from the Director

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Greetings Ethics Counselors and BEGA Friends. In honor of Black History Month, I am recognizing African American leaders who are trailblazers in the ethics and compliance field. These individuals have made significant contributions to the ethics industry.

Shanda Galloway Botts serves as the Senior Vice President of Ethics and Compliance and Employment Law & Litigation for AARP. Ms. Botts believes that ethics is a team effort which included employees and volunteers.

She uses several educational methods, such as a volunteer handbook, to promote compliance.

Renee Wardlaw is the Vice President of Corporate



Ashley D. Cooks
Director of Government Ethics

Compliance and Administration at Bristol Bay Native Corporation. According to her, in the future compliance will become more integrated

into the day-to-day business decisions.

Jabu Sengova has served as the Ethics Officer for the City of Atlanta since 2017. Realizing the importance of education, she played a pivotal role in creating the city's ethics e-learning course, which is a mandatory training for all city employees.

Brian Hamilton is the General Counsel of the Missouri Ethics Commission. He provides representation and advice to the Commission. He previously served as the Commission's Compliance and Education Manager.

Upcoming Events

General Ethics Training

3/8/23 - 1:00 pm
[Register here](#)

4/12/23 - 1:00 pm
[Register here](#)

Ethics Counselor Brown Bag

2/27/23 - 1:00 pm
Cooperation & Retaliation

3/27/23 - 1:00 pm
New BEGA website

Lobbyist E-filing Training

3/22/23 - 10:00 am

New and Notable



Best Practices Report

BEGA recently issued its 2022 Best Practices Report, assessing the ethics and open government laws in the District and making recommendations for changes to the Ethics Act, Open Meetings Act, and Freedom of Information Act. Read the report [here](#).

Guidance on 18 U.S.C. §208

The U.S. Office of Government Ethics (USOGE) recently issued a new legal advisory on the application of 18 U.S.C. § 208 to official social media use. 18 U.S.C. § 208, the federal criminal conflict of interest statute, also

applies to District of Columbia employees .

The legal advisory notes that official social media accounts used by agencies to conduct outreach are considered government property subject to the prohibitions on misuse of official resources. The advisory also explains how the rules pertaining to endorsements, financial conflicts of interests, and the requirement of impartiality apply to employees who manage an agency's official social media accounts.

While USOGE guidance does not bind BEGA, it serves as a useful resource

when interpreting federal statutes that also apply to District employees. BEGA recommends that ethics counselors and employees who manage their agency's official accounts consult the relevant USOGE legal advisories, along with BEGA Advisory Opinion 1559-001 on Social Media and the Code of Conduct and [contact OGE](#) if you have questions.

USOGE's legal advisories on social media use are available [here](#) and [here](#). BEGA's advisory opinion can be found [here](#).

Official resources are for official business only

Enforcement Updates

On January 27, 2023, BEGA published the Quarterly Complaint Summary for the quarter ending December 31, 2022. You can view the complaint summary [here](#).

22-0078-P In re J. Smith

Respondent used her District government email, which identified her by her official title and position, to communicate with an employee at the Department of Health regarding the relocation of a tenant residing in Respondent's rental property in violation of DPM § 1807.1(b)(use of government resources for other than authorized

purposes) and § 1800.3(n) (using public office or position for private gain in violation of DPM § 1800.3(g) or taking actions creating the appearance that they are violating DPM § 1800.3(g)).

Respondent also failed to disclose the rental property on her Public Financial Disclosure Statement in violation of DPM § 1810.19.

Respondent agreed to pay a \$1,600 civil penalty to resolve the matter. The negotiated disposition approved by BEGA's Board is available [here](#).

22-0074-P In re K. Keane

The Director of Government Ethics assessed a \$1,000 ministerial fine pursuant to 3 DCMR § 5530 in connection with violations of DPM §§ 1803.2(a) and (b). After a preliminary investigation and a show cause hearing, the Director concluded that Respondent accepted an invitation to attend an event from a prohibited source and the offer of free attendance was made because of the Respondent's official position or duties.

Read the order [here](#).

Ethics in the News



While election season in the District may be over, District government employees should be mindful that the prohibition on running for partisan political office in the District under the Local Hatch Act still apply.

At least one former U.S. Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) employee was reminded about the comparable rules under the federal Hatch Act when the Merit Systems Protection Board (MSPB) affirmed the employee's removal from his position with NOAA.

The Office of Special Counsel (OSC) requested the removal penalty after filing a complaint in 2016 charging the NOAA

employee with violating the Hatch Act by running in the primary election for the U.S. House of Representatives 8th Congressional District in Washington State. The decision resolved the appeal of the initial 2017 MSPB decision supporting the removal. The employee continued to run for federal office, listing his NOAA position, while the appeal was pending.

More details on this case are available [here](#).

State and Local Ethics

A group of Florida public officials have filed a federal lawsuit challenging the constitutionality of new lobbying restrictions that recently went into effect in the state.

Florida voters approved a state constitutional amendment in 2018 that prohibited state and local officials from lobbying while holding public office. The new law also increased the time that state and local elected officials

are prohibited from lobbying their state agencies and offices after they leave public office from two years to six years. Several public officials who also served as lobbyists resigned from office once the law went into effect.

Lawmakers challenging the lobbying restrictions argue that the prohibition on lobbying while in public office is overbroad and restricts legitimate First Amendment activity.

More details about the litigation are available [here](#).

In the Mirror

Let's draw the distinction between the District's Code of Conduct and Your Code of Conduct. The District Code of Conduct establishes the guidelines by which we conduct ourselves as representatives of the District government. Your Code of Conduct would be the tenets that you personally live by.

Have you ever reflected on what your personal code may be? With your goals in mind, think about your health, the relationships you

wish to gain or maintain, and the legacy you want to establish for yourself. The elements of Your Code of Conduct that would help you reach those goals should be based on 1) How you treat yourself, 2) How you treat loved ones, 3) How you resolve conflict, and 4) How often you help others.

As the Code of Conduct guides you in your work, Your Code of Conduct should guide you through life.





Ashley D. Cooks, Director of Government Ethics
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Ask BEGA

Question: What are the important dates and deadlines that filers should remember during the 2023 Financial Disclosure Season?

The 2023 Financial Disclosure Season is upon us! Soon, many of you will receive notice that you have been designated by your respective organizations to file Financial Disclosure Statements this year.

April 17: Employees who have been designated as Financial Disclosure Statement filers will receive a notice with instructions and information.

April 24*: Employees may file a written request to their Agency Heads to reconsider their designation as filers 5 days after they receive notice of their designation.

*Please note, the designation appeal deadline may or may not be April 24th. Filers who receive their designation notices on April 17th will have an April 24th deadline, but if you receive your designation on any



other day, you should count five days from the date of the notice to determine your designation appeal deadline. If the deadline falls on a weekend or holiday, use the next business day.

May 14: Filers who need to request a filing extension may request an extension of up to thirty (30) days from the Director of Government Ethics. The Director may grant the extension request by a filer for good cause shown. Deadline extension requests must be submitted before the FDS filing deadline.

May 15: This is the Financial Disclosure Statement **DUE DATE**. All filers must submit their complete Financial Disclosure Statements by May 15th. Public Filers must submit their statements to BEGA and Confidential filers must submit their statements to their respective agencies.